

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Final Office Action mailed on April 28, 2004. Claims 1-3 and 5-25 are pending in the Application, Claim 9 stands rejected, and Claims 1-3, 5-8, and 10-19 have been allowed. The indication of allowed subject matter is noted with appreciation. Claim 9 is amended and new Claims 23-25 are added by the present Amendment.

Summarizing the outstanding Office Action, Claim 9 was rejected under 35 U.S.C. §112, first paragraph and under 35 U.S.C. § 103(a) as being unpatentable over Fujimoto (JP 11-095519) in view of Reese et al. (U.S. Patent No. 5,272,510, hereinafter "Reese").

Applicants thank Examiner Sandra L. Brase for the courtesy of an interview extended to Applicants' representative on June 9, 2004. During the interview, Amendments to the claims as herein presented were proposed, and arguments as hereinafter developed were presented.

During the interview, in view of the inclined nature of the transfer belt of the present invention, the advantageous shape and/or location of the waste toner container was explained in view of Applicants' disclosure¹ and the teachings of Reese. As noted in the interview summary (PTOL-413), although further search and/or consideration is required, it was agreed that Reese does not teach or disclose either of the following features: (1) a side of the waste toner container positioned under the transfer belt being projected outwardly from an end portion of the transfer belt; and (2) a side of the waste toner container closest to the transfer belt being substantially parallel thereto.

¹ See, for example, Applicants' specification, page 14, lines 1-14.

Claim 9 has been amended to recite a waste container having a substantially triangular cross section and being installed under the transfer belt device such that an end portion of the waste toner container projects outwardly from an end portion of the transfer belt.

Applicants respectfully submit that, in view of the results of the personal interview and the instant amendments to Claim 9, the above-summarized rejections under 35 U.S.C. §§112 and 103 are now moot. Their withdrawal is respectfully requested.

In addition, Applicants have submitted new Claims 23-25. Support for the subject matter of the new claims is found at least in FIG. 1 of Applicants' specification. Claim 23 is dependent from Claim 9. New independent Claim 24 recites a color image forming apparatus wherein a waste toner container is installed under the transfer belt device such that a side of the waste toner container closest to the transfer belt is substantially parallel to an inclination direction of the transfer belt. Based at least on the results of the personal interview, Applicants respectfully submit that new independent Claim 24 patently distinguishes over Reese. Claim 25 is a new claim depending from Claim 24.

The proposed amendments to Claim 9 and new Claims 23-25 should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal.

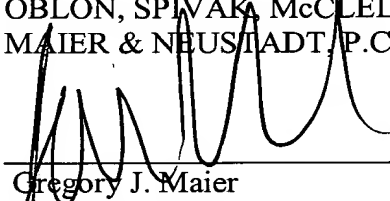
Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-3 and 5-25 is earnestly solicited.

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Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

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